

**WILLIAMSBURG CITY COUNCIL
APRIL 10, 2008
MINUTES**

The Williamsburg City Council held its regular monthly meeting on April 10, 2008, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler and Messrs. Haulman, Chohany, Freiling and Braxton. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Attending: Assistant City Manager Miller, Deputy City Attorney Workman, and Department Heads Nester, Hudson, Serra, Clayton, Weiler, Walentisch, and Yost.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Freiling Moved That City Council Approve the Minutes of March 10 & 13, 2008, and Budget Work Sessions of March 17/18, 2008. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Budget Public Hearings *Budget adoption scheduled for May 8 Meeting*

A. Operating and Capital Budgets for the Fiscal Year Commencing July 1, 2008

B. Proposed Water Rate of \$3.80 per 1,000 gallons/ increase in connection and availability fees

C. Property Tax Rate of \$.54 per \$100 of Assessed Value

References for the budget public hearings were a copy of the public notices required for the hearings and a copy of the proposed ordinance regarding the water rates and fees. Council members previously received a copy of the proposed budget.

Mayor Zeidler said that the budget is scheduled for adoption at the May meeting. Council held two budget work sessions in March to review the proposed revenues and expenditures. The FY 08-08 budget increase is three percent over the current year.

Mayor Zeidler opened the public hearing on the Operating and Capitol Budgets.

No one wished to speak. The hearing was closed.

Mr. Chohany commented that he was not comfortable with over funding the budget request of the Colonial Williamsburg Foundation without an action plan for the use of the additional monies. Mr. Haulman suggested that the additional funds be held until they can be identified for a specific purpose. He understood that the city's funding structure is designed to maintain a balance between CWF and the Williamsburg Chamber and Tourism Alliance.

Mr. Tuttle said that he recommended that both entities receive an increase—maintaining the 60 % (CWF) / 40% (Alliance) split of promotion dollars.

The Mayor had no problem with the City Manager's recommendation because CWF is a large source of room, meal, and property tax revenues. Marketing is very important to our tourist-based economy and it is important that the city continue to support marketing efforts. The cost of gas is increasing and the national economy is shaky, and we want to encourage people to come to Williamsburg for the health of our economy.

Mr. Freiling disclosed that he is an employee of the Colonial Williamsburg Foundation and will not comment. When he votes on budget matters, his employment will not impact his ability to make an objective decision.

Mayor Zeidler said that Council would discuss this more before budget adoption.

Mayor Zeidler opened the public hearing on the proposed water rate and fees. She had several Speaker Cards. It appeared that the water rate increase inspired people to comment about water issues not directly related to the rate increase.

Mr. Tom Mainor, 506 Newport Avenue, did not comment but inquired if the city was facing a water shortage in the future.

Mayor Zeidler said that water we are buying from Newport News will get more expensive because the city cannot always provide the water it needs. The increase in water rates anticipates a future increase that people will not have to pay all at once. Mr. Tuttle said the city is negotiating a long term agreement with Newport News for supplemental water needs in the future, and wherever that water comes from and when that time comes, water will be more expensive.

Mr. Tuttle explained the city's current and proposed water rates. We do not have a separate sewer pumping charge as other localities do. Our rates are substantially under other regions in the area.

Mayor Zeidler commented that past city leaders in the 1940s were very smart to purchase the Waller Mill Reservoir.

Mr. Mainor is an opponent of the King William Reservoir and he asked about Newport News being the regional water authority. Mr. Tuttle said that the State and Federal regulators look for the area to come together for a single coordinated project and permitting for new raw water sources, and supplemental water must be a regional activity. Mr. Mainor would like to see the city look at conservation efforts before investing money into a new reservoir. Mr. Tuttle explained the pricing structure for supplemental water from Newport News. The city supplies its own water, but

during times of drought we must purchase water to fill in the gap. Mayor Zeidler suggested this issue be discussed at another time.

Susan Garrett, 234 W. Rose Garden Road, King Williams, VA, an opponent of the King William Reservoir, said that water taken from the Mattaponi will cause adverse environmental impact to the river and the reservoir will destroy wetlands. Landowners will be forced to sell their land for more development by Newport News. Farm land will be destroyed, some that has been owned by families for years. City and County residents are victims because they will pay higher water rates, at least 15% in the coming years. Citizens do not know all the facts about this ill-conceived water project.

Ann H. Brummer, 504 Glendale Drive, Richmond, VA, agreed with Ms. Garrett's comments. She owns property in King William County. Do citizens know that the water rate increase will support the King William Reservoir? She opposed any funding of the reservoir while permits are not yet approved. People will have to pay exorbitant rates for water. The King Williams reservoir will cost four times as much as a desalination plant. Do people know that they will help to fund the destruction of the Mattaponi River and the shad fish? Is this what you want to fund? Land will be taken in the guise of water need. Her family's property rights are being stolen for the greed of Newport News. It is not acceptable and it is not honorable. Her family will fight to the end to save its land and the Mattaponi River.

Kelly Place, 213 Waller Mill Road, pays for Williamsburg water. He would not mind higher water rates if they were used for conservation or a sustainable initiative. It is in Newport News Waterworks interest to sell as much water as they can. They are a for-profit enterprise. Mr. Place addressed the permitting process that Newport News has undergone concerning the KW Reservoir. The reservoir will be stopped and laws will be upheld in the Federal Court System. He is a plaintiff in the Federal Courts and represents many organizations in that litigation. Newport News cannot comply with the conditions of the permit issued by the state. These water rate increases will fund over development, sprawl and environmental derogation that distract from people wanting to come here. It will diminish the quality of life. Newport News has not been accurate and correct to their customers regarding what will happen to this money if the project goes under, and it will go under if laws are upheld.

There are many ways to increase our water supply and Williamsburg could improve capacity by deepening its reservoir. He suggested conservation efforts such as water reuse and mandating the use of native vegetation. Our area is already overdeveloped. He said the estimated cost of the KW Reservoir of \$300 Million was inaccurate; it will be over \$1 Billion. There is injustice and incongruity in this project. By voting for this water rate increase and unsustainable project, we are voting to keep from complying with the benchmarks in the Chesapeake 2000 Agreement. The increase in water rate will not keep us from running out of water, but will fund development in an area where it is not wanted.

Robert Richardson, 2786 Lake Powell Road, asked that Council hold public hearings on the water agreement with Newport News. He believed the King William Reservoir will never be built for many reasons. Newport News will not know if they will get a permit for four years and the agreements are based on an excessive price of the source. Newport News is promising to deliver the water without building the KW Reservoir. What are the alternative sources of water? Newport

News has surplus water at a high cost and it is a for-profit operation. Study water projections—run the numbers for the region. Per capita use is declining and sound environmental policies will further the trend. Newport News is looking to dump excess water at the highest price. Hold public hearings, seek advice from well-meaning citizens, and avoid paying a price that may come back to haunt you.

Mayor Zeidler reminded everyone that the city is not voting on the water agreement with Newport News, just the water rate.

No one else wished to speak. The hearing was closed.

Mr. Haulman said that regardless of the outcome of discussions and decisions in the future, the city is going to be paying more for water. We need to build funds so that we will not have dramatic water rate increases that are going to come. We need to be prudent and understand that those costs are going to come. We need to create the ability to have options when we make those decisions.

Mr. Chohany said that our water rates also include the costs for the sewer system. We know that Hampton Roads Sanitation System costs will increase. The city is fortunate to have its own water source and enjoy lower water rates.

Mr. Tuttle explained the city water usage is less today than in 1990, even with our population growth. Design improvements in plumbing fixtures and the recent relocation of the hospital have helped reduce water usage. He explained that the Utility Fund and General Fund are two separate funds. Water and sewer funds do not support general operations. The money generated by the increase in water rates will remain for utility purposes.

Mr. Freiling said the damn only holds so much water. If water is too cheap, people use more than they need. There is a conservation element to the water rate increase as well as funding future need. This will also tie into our "Go Green Virginia" initiative.

Mayor Zeidler thanked everyone for commenting about this issue.

Mayor Zeidler opened the public hearing on the proposed property tax rate.

No one wished to speak. The hearing was closed.

Monthly Financial Statement

The Financial Report was received and ordered filed.

Monthly Departmental Operating Reports

The Monthly Departmental Reports were received and ordered filed.

Planning Report

Comprehensive Plan Implementation - B-3 District Text Changes and Rezonings (LB-4 to B-3 and WM), Shopping Center Areas of Richmond Road and Monticello Avenue, and Richmond Road from Monticello Avenue to Ironbound Road.

Reference for this item was Mr. Nester's report dated April 10, 2008. Ms. Carolyn Murphy made the presentation regarding the next package of zoning amendments to implement the recommendations of the 2006 Comprehensive Plan. Using PowerPoint slides, Ms. Murphy pointed out the proposed areas to be rezoned and the B-3 Zoning Text changes regarding permitted uses, yards and open space, and special use permit uses. Planning Commission held its public hearing in March and recommends approval of the proposed zoning changes. Council's public hearing is scheduled for May 8.

Council members and staff discussed the letter received from the College requesting the rezoning of the property for the helipad site to WM District instead of B-3. Ms. Murphy said that the Planning Commission discussed this matter and recommended B-3 rezoning in keeping with the Comprehensive Plan and if the college sold the land in the future, it would be easier to sell if it were zoned B-3. If zoned W&M, any use would have to be college use.

Mr. Phillips said the college can put whatever they want to on the property, no matter what the zoning. If they rented to a private business, the business would be subject to paying city taxes. Other areas zoned W&M in the city have structures on them; this property is vacant land.

Ms. Murphy said the uses removed from the B-3 text are allowed in other zoning categories in the Code. She clarified that contractor establishments are considered retail business.

Mayor Zeidler said that Council will hold the public hearing on these cases at the May meeting.

City Manager Reports

Emergency Operations Center, Authorization to Negotiate Comprehensive Agreement

Reference for this item was Mr. Tuttle's report dated April 3, 2008. Mr. Tuttle said that the EOC construction proposal has moved to the agreement negotiation stage with David A. Nice Builders and DJG, Inc. He introduced Captain Chuck White, EOC project team leader, to report on the project.

Capt. White reviewed the proposed floor plan in relation to the Fire Station and the details of the EOC section. Three proposals for design and construction of the EOC were received and reviewed by the city's project committee. The committee reached a consensus to select the proposal of David A. Nice Builders, Inc. /DJG, Inc. The proposal provided several "value added" options and in the middle price range. He said the details of the construction have not been worked out, but the contractor understood that the fire station must continue operating during the project construction.

Council members and Capt. White discussed:

1. The generator planned for the EOC, which will be diesel.
2. The "green building" aspects included in the proposal.
3. Value added options.
4. Staging of construction.
5. Maintaining continuous emergency Fire Department operations during construction.

Capt. White said the agreement should be ready in three to four weeks for Council's review and the project concluded by the end of February 2009.

Mr. Haulman Moved that City Council Authorize Staff to Open Negotiations with David A Nice Builders, Inc./DJG, Inc. with the Goal of Returning a Comprehensive Agreement for Council Approval at the May 2008 Meeting. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: any

Participation in VML's "Go Green Virginia" Challenge, *Proposed Resolution #08-03*

Reference for this item was Mr. Tuttle's report dated April 3, 2008. Mr. Tuttle said that Council heard a presentation at the March Work Session regarding this program. Since that time the city has registered as a participant in the "Go Green Virginia" challenge and has formed a fourteen member team to complete the city's assessment and develop a strategy for becoming a greener city. The proposed resolution supports the city's participation in the VML challenge.

Ms. Miller, chair of the Williamsburg Green Team, said the team has finished its assessment of city environmental procedures and short term and long term strategies for improvement. The city is in good shape to achieve the required 100 points for certification through VML and we will be points above and eligible for an award from VML. Council will receive a full report in September.

The Mayor said that Council is excited about this program and citizens are as well.

Mr. Freiling Moved That City Council Adopt Proposed Resolution #08-03, Supporting the City's Participation in the Virginia Municipal League's "Go Green Virginia" Challenge. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

(See Adopted Resolution #08-03)

Quarterpath Road Right-of-Way, *Proposed Resolution #08-04*

Reference for this item was Mr. Tuttle's report dated April 3, 2008. Mr. Tuttle said the proposed resolution requests that VDOT transfer ownership of a portion of Quarterpath Road at the intersection of Route 199 to the city. He reviewed a drawing of the area. This section of the road was acquired by VDOT in conjunction with the construction of Route 199 for construction of a grade separated intersection, but that, most likely, will not happen. The city is therefore asking to assume ownership, control and maintenance of the right-of-way which will help with the approved development projects in this area. Staff requested that Council adopt the proposed resolution.

Mr. Chohany Moved That City Council Approve Resolution #08-04 Requesting VDOT to Convey the Quarterpath Right-of-Way to the City of Williamsburg. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None (See Adopted Resolution #08-04)

City Attorney Report

Definition of "Taxicab" and Taxicab Driver's License, Amendment to City Code, Proposed Ordinance #08-12

Reference for this item was Mr. Phillips' report dated March 2, 2008. Mr. Phillips explained that the proposed ordinance amends two sections of the Code. Section 20-79 currently provides for a seven day waiting period prior to the issuance of a taxi driver's license. As recommended by the Police Chief, the code been amended to remove the required waiting period because of advances in computer technology. Section 20-26 of the city Code will be amended to bring it into accord with the State Code which defines a *taxicab* as a motor vehicle having a seating capacity for not more than six passengers exclusive of the driver. City Code now states seven passengers exclusive of the driver. He recommended adoption of the proposed ordinances.

Mr. Freiling Moved That City Council Adopt Proposed Ordinance #08-12, An Ordinance to Amend Chapter 20, Article II, Division 1, Section 20-26 and Division III, Section 20-79, of the Williamsburg Code Pertaining to Taxicabs.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None (See Adopted Ordinance #08-09)

NEW BUSINESS

Appointments to Boards and Commissions

Mr. Haulman Moved That City Council Reappoint, Effective July 1, 2008:

Ms. Sophia Hart to the Williamsburg Arts Commission for a three-year term to expire June 30, 2011;

Mr. Jack Willis to the Williamsburg Library Board for a four-year term to expire June 30, 2012;

Mr. William Parks to the Colonial Group Home Commission for a four-year term to expire June 30, 2012;

Mr. Thomas Mainor to the Olde Towne Medical Center Board for a two-year term to expire June 30, 2010;

Ms. Gwen Williams and Mr. Channing Hall to the Finance and Audit Committee for a two-year term to expire June 30, 2010; and

Reappoint

Mr. Peter Walentisch to the Community Action Agency Board, for a five-year term to expire March 31, 2013, effective April 1, 2008; and

Appoint

Mr. Peter Walentisch to the Colonial Services Board for a three-year term to expire June 30, 2011, effective July 1, 2008. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

OPEN FORUM

Mayor Zeidler asked for comments.

Mr. Cary Place commended the city for going "green" and suggested the city consider water saving options such as developing desalination systems, using rain barrels and cisterns to catch runoff, and placing a moratorium on the use of irrigation systems and non-native vegetation. Green roof initiatives are very important and he suggested mandating pervious surfaces. Williamsburg is a progressive city and should be preparing for the future and the water situation.

No one else wished to speak. The session was closed.

The meeting adjourned at 3:35 p.m.

Approved: May 8, 2008

Jeanne Zeidler, Mayor

Shelia Y. Crist, MMC
Clerk of Council